

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

JERRY ALEXANDER MENCHU,

No. 3:12-cv-02075-ST

Plaintiff,

v.

LEGACY HEALTH SYSTEM, *et al*,

SUMMARY JUDGMENT
ADVICE NOTICE and NOTICE
TO PLAINTIFF THAT
UNCONTROVERTED FACTS
WILL BE DEEMED ADMITTED

Defendants.

Defendants have now filed a Motion for Summary Judgment and for Sanctions (docket #124) seeking to have your case dismissed and monetary sanctions imposed against you. If granted, a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will end your case.

Rule 56 tells you what you must do in order to oppose a motion for summary judgment. Generally, summary judgment must be granted when there is no genuine issue of material fact, that is, if there is no real dispute about any fact that would affect the result of your case, the party who asked for summary judgment is entitled to judgment as a matter of law, which will end your case. When a party you are suing makes a motion for summary judgment that is properly supported by declarations (or other sworn testimony), you cannot simply rely on what your Complaint says. Instead, you must set out specific facts in declarations, depositions, answers to interrogatories, or authenticated documents, as provided in Rule 56-1(a), that contradict the facts shown in the defendants' declarations and documents and show that there is a genuine issue of material fact for trial. If you do not submit

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your own evidence in opposition, summary judgment, if appropriate, may be entered against you. If summary judgment is granted, your case will be dismissed and there will be no trial.

Local Rule 56-1 of the District Court does not require that the party moving for summary judgment file a separate Concise Statement of Material Facts. However, Sections II and III of Defendants' Memorandum of Law in Support of Defendants' Motion for Summary Judgment and for Sanctions (docket #125) set forth the background and procedural facts defendants contend entitle them to summary judgment against your claims in this case, as well as sanctions against you both in the form of dismissal of your claims, and monetary sanctions (docket #125, Section V.A.).

As part of your opposition to defendants' motion for summary judgment, you must include a response to the factual contentions in Sections II and III. You must respond to each factual assertion of Sections II and III by: (1) accepting or denying each fact contained therein; or (2) articulating opposition to defendants' contention or interpretation of the fact, based on the supporting affidavits. **You are advised that material facts set forth in Sections II and III will be deemed admitted unless specifically denied, or otherwise controverted by you.**

As previously ordered by this court (docket #118), your Response to defendants' motion is due by February 24, 2014, as are written consents by the parties, if any, to proceed before a Magistrate Judge (docket #134). Details regarding filing written consents to proceed before a Magistrate Judge and the necessary consent form are available in the Civil Case Assignment Order (docket #4), entered in this case on November 15, 2012.

DATED January 31, 2014.

s/ Janice M. Stewart
Janice M. Stewart
 United States Magistrate Judge